

No. _____

Case 5:09-cr-01016-EJD Document 1 Filed 10/21/09 Page 1 of 1

CF - 09 0101 JW PVT

SEALED BY ORDER
OF THE COURT

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

Filed
OCT 21 2009
RICHARD M. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

THE UNITED STATES OF AMERICA

vs.

ROOSEVELT ANDERSON, JR

INDICTMENT

COUNT ONE: Title 17, United States Code, Sections 506(a)(1)(A) and (B) and Title 18 United States Code, Section 2319(b)(1)– Criminal Copyright Infringement

COUNT TWO: Title 18, United States Code, Section 1341- Mail Fraud; Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461(c) - Criminal Forfeiture of Mail Fraud Proceeds

A true bill.

Jim Bonar

Foreperson

Filed in open court this 21 day of October

A.D. 2009

Patricia V. Mueller

Magistrate Judge

Bail. \$

no bail bench warrant P

DOCUMENT NO.	CSA's INITIALS
<i>1 e</i>	
DISTRICT COURT CRIMINAL CASE PROCESSING	

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JW
7/1/87

SEALED BY ORDER
OF THE COURT

Filed

OCT 21 2009
RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JW

UNITED STATES OF AMERICA,
Plaintiff,
v.
ROOSEVELT ANDERSON, JR.,
Defendant.

CR - 09 01015

PVT

VIOLATIONS: 17 U.S.C. §§ 506(a)(1)(A)
and (B) and 18 U.S.C. § 2319(b)(1) -
Criminal Copyright Infringement; 18 U.S.C.
§ 1341 - Mail Fraud; 18 U.S.C. §
981(a)(1)(c) & 28 U.S.C. § 2461(c) -
Criminal Forfeiture of Mail Fraud Proceeds
SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

At all times relevant to this indictment:

1. Defendant Roosevelt Anderson ("the defendant") was an individual who advertised Adobe software for sale on the Internet website "PriceGrabber.com" under the seller identification of "moneyworld123." He received payments from the sales of the software from an on-line payment processing service provided by Google, known as Google Checkout.

2. The defendant also operated a business over the Internet under the domain name "Anderson9000.com" in which he sold what he claimed to be "fully upgradeable" Adobe software. The defendant accepted payment for merchandise through his website by credit card, certified check or money order.

INDICTMENT

1 3. Adobe Systems Incorporated (Adobe) was a computer software company
2 headquartered in San Jose, California. Adobe created and offered for sale a variety of software
3 products, including Adobe Photoshop CS3 and Adobe Fireworks CS4, and registered such
4 products for trademark and copyright protection with the United States Patent and Trademark
5 Office.

6 4. The defendant was not an authorized manufacturer, dealer, reseller or distributor
7 of Adobe technology, including desktop and server software.

8 THE SCHEME AND ARTIFICE TO DEFRAUD

9 5. It was part of the scheme and artifice to defraud that the defendant advertised for
10 sale on the Internet website "PriceGrabber.com," under the identity of "moneyworld123," new
11 and genuine copies of Adobe software, when in truth and fact, as the defendant well knew, these
12 copies were counterfeit.

13 6. It was part of the scheme and artifice to defraud that the defendant established an
14 account at Google Checkout in order to receive payments from his sale of counterfeit Adobe
15 products from PriceGrabber.com. In order to give the appearance of legitimacy, the defendant
16 registered with Google as Alex Anderson with Photostar Productions, located at 2375 E.
17 Tropicana Avenue, Suite 8, Las Vegas, Nevada. This location is a commercial mail facility
18 called Pony Express Mail Box Services.

19 7. It was further part of the scheme and artifice to defraud that Anderson created the
20 Internet website "Anderson9000.com" to advertise for sale Adobe computer software all the
21 while knowing that such representations were false and fraudulent because the copies he was
22 selling were counterfeit. The Anderson9000.com site states that the Adobe software listed was:
23 "Full complete software versions. Not upgrades/Not educational or trial software. Fully
24 Upgradeable!!" The defendant also offered his customers a 30-day money back guarantee if the
25 customer was not satisfied with his purchase.

26 8. It was part of the scheme and artifice to defraud that the defendant rented Post
27 Office Box number 70690 under the name "Anderson Communications" at a post office located
28 at 4632 S. Maryland Parkway, Las Vegas, Nevada, in order for the purchasers of his software

1 from Anderson9000.com to mail their payments.

2 9. It was also part of his scheme to defraud that after the sale had concluded, the
3 defendant would and did mail the counterfeit Adobe software to the purchaser, usually by U.S.
4 Mail, after he had received payment for what the purchaser believed to be a new and genuine
5 copy of Adobe software.

6 COUNT ONE: (17 U.S.C. §§ 506(a)(1)(A) and (B) and 18 U.S.C. § 2319(b)(1) - Criminal
7 Copyright Infringement)

8 10. The factual allegations contained in Paragraph One through Nine above are
9 incorporated herein as if set forth in full.

10 11. From on or about July 30, 2008 and continuing to on or about September 25,
11 2008, in the Northern District of California, and elsewhere, the defendant,

12 ROOSEVELT ANDERSON, JR.,

13 did willfully infringe the copyrights of copyrighted works, that is, software, for purposes of
14 commercial advantage and private financial gain, by the reproduction and distribution, during a
15 180-day period, of at least ten copies of at least one or more copyrighted works, which had a total
16 retail value of more than \$2,500, as set forth below:

17 SOFTWARE PROGRAM	COPYRIGHT OWNER	COPYRIGHT NUMBER
18 Adobe Photoshop CS3	Adobe Systems Inc.	TX 6-528-611

19 All in violation of Title 17, United States Code, Sections 506(a)(1)(A) and (B), and Title
20 18, United States Code, Section 2319(b)(1).

21 COUNT TWO: (18 U.S.C. § 1341 – Mail Fraud)

22 12. The factual allegations contained in Paragraphs One through Nine and Count One
23 above are incorporated herein as if set forth in full.

24 13. On or about August 23, 2008, in the Northern District of California and
25 elsewhere, the defendant,

26 ROOSEVELT ANDERSON, JR.,

27 having devised and intending to devise a scheme and artifice to defraud and obtain money by
28 means of materially false and fraudulent pretenses, representations, and promises, as described

1 above, and for the purpose of executing said scheme and artifice and attempting so to do, did
 2 knowingly cause to be delivered by the United States Postal Service, a counterfeit copy of Adobe
 3 Photoshop CS3 software, to Lakeport, California, in violation of Title 18, United States Code,
 4 Section 1341.

5 FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c))

6 14. The allegations contained in Paragraphs One through Nine and Count Two are
 7 realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture
 8 pursuant to the provisions of 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

9 15. Upon a conviction for Count Two, alleged above, the defendant,
 10 ROOSEVELT ANDERSON, JR.,
 11 shall forfeit to the United States any property, real or personal, which constitutes or is derived
 12 from proceeds traceable to said offense, including but not limited to a sum of money equal to the
 13 total proceeds from the commission of said offense;

14 16. If, as a result of any act or omission of the defendants, any of said property
 15 a. cannot be located upon the exercise of due diligence;
 16 b. has been transferred or sold to or deposited with, a third person;
 17 c. has been placed beyond the jurisdiction of the Court;
 18 d. has been substantially diminished in value; or
 19 e. has been commingled with other property which cannot be divided without
 20 difficulty;

21 any and all interest defendant has in any other property up to the value of the property described
 22 in paragraph 15, shall be forfeited to the United States pursuant to 21 U.S.C. § 853(p), as
 23 incorporated by 28 U.S.C. § 2461(c).

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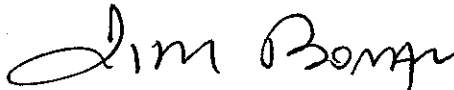
28 //

1 All in violation of Title 18, United States Code, Sections 981(a)(1)(C), 1341; Title 28,
2 United States Code, Section 2461(c); and Rule 32.2 of the Federal Rules of Criminal
3 Procedure.

4 DATED:

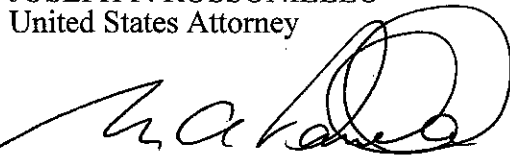
A TRUE BILL.

5 10-21-09


6 

FOREPERSON

7
8 JOSEPH P. RUSSONIELLO
9 United States Attorney

10 

11 MATTHEW A. PARRELLA
12 Chief, CHIP Unit

13 (Approved as to form: 

AUSA Susan Knight

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 Count 1 - 17 U.S.C. §§ 506(a)(1)(A) & (B) and
 18 U.S.C. § 2319(b)(1) - Criminal Copyright
 Infringement; Count 2 - 18 U.S.C. § 1341, Mail
 Fraud; 18 U.S.C. 981(a)(1)(C) & 28 U.S.C.
 § 2461(c) - Criminal Forfeiture of Mail Fraud Proceeds

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony
PENALTY:
 Count 1 - Five (5) years imprisonment, \$250,000 fine, three (3)
 years supervised release and \$100 special assessment;
 Count 2 - Twenty (20) years imprisonment, \$250,000 fine, three
 (3) years supervised release and \$100 special assessment
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

U.S. Postal Inspection Service, Chris Morris, PI

☐ person is awaiting trial in another Federal or State
 Court, give name of court

☐ this person/proceeding is transferred from another
 district per (circle one) FRCrP 20, 21 or 40. Show
 District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on
 motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a
 pending case involving this same
 defendant

☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding
 this defendant were recorded under
SHOW
DOCKET NO.MAGISTRATE
CASE NO.

Name and Office of Person

Furnishing Information on THIS FORM Joseph P. Russoniello

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

Susan Knight, AUSA

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

DISTRICT COURT NUMBER

 OCT 21 2009
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 DEFENDANT
IS NOT IN CUSTODY
 1) ☒ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons
 was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction6) ☐ Awaiting trial on other charges
☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

 Has detainer
 been filed?

☐ Yes
☐ No

 If "Yes"
 give date
 filed

 DATE OF
 ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

 DATE TRANSFERRED
 TO U.S. CUSTODY

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS*
☒ WARRANT

Bail Amount: None

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 *Where defendant previously apprehended on complaint, no new summons
 or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments: